



# City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 2306326  
**Applicant Name:** Garrett Birkeland for Howland Homes  
**Address of Proposal:** 65 Etruria Street

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to subdivide one parcel into six unit lots. This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original lot and not to each of the new unit lots. Construction permits for two new townhouse structures were reviewed under DPD project number 2300151, permit number 738236.

The following approval is required:

**Short Subdivision** - to create six unit lots.  
(SMC Chapter 23.24)

**BACKGROUND DATA**

Zoning: Lowrise 3 (L-3) Multifamily residential.

Date of Site Visit: November 7, 2003

Uses on Site: Single family residence and detached shed.

Substantive Site Characteristics: Site slopes up from street approximately 24 feet to the rear of the property.

Public Comment: One comment letter was received during the comment period which ended October 8, 2003. The subject of the comment letter is the opposition to another block of apartment buildings in place of existing houses.

### **ANALYSIS - SHORT SUBDIVISION**

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following applicable facts and conditions are found to exist.

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees;*

#### **Summary - Short Subdivision**

Based on information provided by the applicant, referral comments from DPD, Water (SWD), Fire Departments (SFD), Seattle City Light and review by the Land Use Planner, the above cited criteria have been met subject to the conditions imposed at the end of this decision. The lots to be created by this short subdivision will meet all minimum standards or applicable exceptions of the set forth in the Land Use Code, and are consistent with applicable development standards. As conditioned, this short subdivision can be provided with vehicular access, public and private utilities and access (including emergency vehicles). Adequate provisions for drainage control, water supply and sanitary sewage disposal have been provided for each lot and service is assured, subject to standard conditions governing utility extensions. The proposal site is not located in an environmentally critical area; therefore SMC 25.09.240 is not applicable. The proposed plat maximizes the retention of existing trees. The public use and interest are served by the proposal since all applicable criteria are met and the proposal creates the potential for additional housing opportunities in the City.

### **ANALYSIS –UNIT LOT SUBDIVISION**

Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.

- A. *The unit subdivision provisions of SMC Section 23.24.045 apply exclusively to the unit subdivision of land for townhouses, cottage housing developments, residential cluster developments, and single-family residences in zones where such uses are permitted.*
- B. *Sites developed or proposed to be developed with dwelling units listed in subsection A above, may be subdivided into individual unit lots. The development as a whole shall*

*meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot, except that any private, usable open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.*

- C. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.*
- D. Access easements and joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open space (such as common courtyard space for cottage housing), and other similar features, as recorded with the Director of the King County Department of Records and Elections.*
- E. A joint use and maintenance agreement has been included on the short plat documents and should also be included on the final documents for recording.*
- F. Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, as recorded with the Director of King County Department of Records and Elections.*
- G. The facts that the unit lot is not a separate buildable lot, and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot shall be noted on the plat, as recorded with the Director of the King County Department of Records and Elections.*

#### Summary - Unit Lot Subdivision

Review of this application shows that the proposed short subdivision would conform to applicable standards of SMC 23.24.045 subject to the conditions imposed at the end of this decision. The proposed development is two separate townhouse structures and the structures, as reviewed under their separate building permits, conform to the development standards for the time the permit application was vested. To assure that future owners have constructive notice that additional development may be limited; the applicant will be required to add a note to the face of the plat that reads as follows: *“The lots created by this unit subdivision are not separate buildable lots. Additional development on these unit lots in this unit subdivision may be limited as a result of the application of development standards to their parent lot pursuant to applicable provisions of the Seattle Land Use Code.”* A joint use and maintenance agreement will be required as conditioned at the end of this decision. Parking and open space will be provided on each site.

#### **DECISION – UNIT LOT SUBDIVISION**

The proposed Unit Lot Subdivision is **CONDITIONALLY GRANTED.**

## **CONDITIONS – UNIT LOT SUBDIVISION**

### **Conditions of Approval Prior to Recording**

1. The owner(s) and/or responsible party(s) shall:
2. Add the conditions of approval after recording on the face of the plat or on a separate page. If the conditions are on a separate page, insert on the plat “For conditions of approval after recording see page \_\_\_\_ of \_\_\_\_.”
3. Have final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. The lot areas of each parcel shall be shown on the recording documents.
4. Add to the plat the required Seattle City Light easement.
5. Include the following on the face of the plat: “Unit lots resulting from this unit subdivision are not separate building lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot.”
6. Submit the recording fee and final recording forms for approval.
7. Post an address sign to benefit all units at a location visible from Etruria Street and provide an easement, a covenant, or any other legal agreements to ensure that the address signage is maintained.

### **Prior to Sale or Transfer of Ownership**

8. Permits to demolish residence and shed must be finalized.

### **Prior to Issuance of any Building Permit**

9. The owner(s) and/or responsible party(s) shall attach a copy of the recorded short plat to any future building plans.

Signature: \_\_\_\_\_ (Signature on file) Date: November 17, 2003  
Lori Swallow, Land Use Planner  
Department of Planning and Development

LS:bg

Swallow/doc/unit lot subdivision/2306326